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OFFICE OF PETITIONS

In re Application
Horenstein, et al.
Application No. 10/067,495
Filed: February 4, 2002
Attorney Docket No. UF-266X
For: INHIBITORS OF
GLYCOSYLTRANSFERASE ENZYMES

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed May 12, 2005 (certificate of mailing date May 10, 2005), to change the name of the first listed joint inventor.

The petition is **DISMISSED**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

On March 4, 2002, the Office mailed a Notice to File Missing Parts of Nonprovisional Application. This Notice required applicants to submit an executed declaration and a \$65.00 surcharge within an extendable two month period from the mail date of the notice. A review of the application file reveals that the \$65.00 surcharge was paid and a transmittal letter was filed via facsimile on April 9, 2002. However, there is no executed declaration. Therefore, the application became abandoned on May 5, 2002 for failure to file an executed declaration.

It would be inappropriate to change the name of a joint inventor without knowing who was listed as joint inventors on the first executed declaration.

Petitioners should file either a petition to revive under 37 CFR 1.137(a) or 1.137(b) --MPEP 711.03(c)-- or a petition under 37 CFR 1.181 to withdrawal the holding of abandonment -- 37 CFR 1.8(b). The executed declaration must be submitted along with any petition filed. In addition, petitioners should file a reconsideration petition under 37 CFR 1.182 to change the name of the first listed inventor.

The current fee for filing a petition under 37 CFR 1.182 is \$400.00, not \$130.00. Petitioners' deposit account was charged the full fee due on May 13, 2005.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.



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Patent Examination Policy